



# State of Connecticut

## SENATE

STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

**SENATOR GEORGE L. GUNTHER, N.D., H.L.D.**  
DEPUTY MINORITY LEADER-AT-LARGE  
TWENTY-FIRST DISTRICT

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COMMISSIONER  
ATLANTIC STATES MARINE FISHERIES COMMISSION

### **STATEMENT OF SENATOR GEORGE L. GUNTHER, N.D.**

**NOVEMBER 5, 2003**

**NOAA HEARING, OMNI HOTEL, NEW HAVEN, CT**

**RE: ISLANDER EAST APPEAL OF COASTAL ZONE ACT**

Gentlemen:

It is with great pleasure that I strongly support Department of Environmental Commissioner Arthur Rocque, Jr.'s position in opposition to Islander East's petition to install their gas pipeline from Cheshire, CT (landward) to Branford, CT, thence to Shoreham, Long Island, New York, in what I consider a major violation of not only the Coastal Zone Management but of our Inland Wetlands and Tidal Wetlands Acts.

For many of us opponents to this application who have been entering our objections in writing and hearings involving FERC, U.S. Army Corps of Engineers, and now NOAA. Since the original petition years ago, it has been very frustrating to have a hearing which limits the speakers to 2 or 3 minutes, allows a written statement, to realize that it is the beginning and the end of your participation. Your remarks in 2 to 3 minutes are equivalent to hello -- I am for or against the issue -- your statement is accepted for the file and will become part of the record. The public and other participants will never know what your written presentation says unless they get a copy of the record and read it. Rarely will you get an acknowledgment of your remarks being officially received, and even more rare that your statement will get an official reply to questions asked.

Add to this situation the issues of permits to allow these energy companies to use a bi-state area further compounds the information being shared when each state hosts its own hearings and it is rare that the public has any knowledge of what the other states' reactions are on the issues.

I frequently wonder if the various agencies share the hearing and written statements that are submitted? Is there a common recording of all statements, written and spoken, on each petition? Do the state and federal agencies (i.e. Connecticut Siting Council, D.E.P., FERC, U.S. Corps of Engineers, U.S. Fish and Wildlife, NOAA) share documentations or even submit executive summaries of their proceedings?

With this for background, instead of my regurgitating statements that have been submitted by me to various activities involving Islander East for just the past 4 months, I choose to resubmit them and ask that they be made part of this November 5<sup>th</sup>, 2003 Hearing. Attached are the following:

Exhibit #1: my 6/17/2003 letter to FERC (David Boergers) opposing Islander East Pipeline;

Exhibit #2: my 7/18/03 letter to FERC (Magdala Salas) in opposition;

Exhibit #3: Letter from FERC (Kevin Cadden) in response to my letter of 6/17/03 and 7/18/03 which, incidentally, was the first time I can recall that FERC has ever answered my correspondence. This letter answered some of my inquiries but left me with a major question of FERC operation; it is apparent that FERC does not consider any alternative unless they are formally proposed by the utility in their applications;

Exhibit #4: my letter of 7/28/03 to U.S. Corps of Engineers (Cori Rose) opposing the Islander East petition at the August 4, 2003 hearing in Branford, CT.;

Exhibit #5: 8/14/03 U.S. Corps of Engineers (Thomas Koning) acknowledging receipt of my statement and that it would be made part of the record.

I would recommend that if NOAA is not aware of these letters that they be reviewed as my presentation at the November 5<sup>th</sup> Hearing as I believe that Islander East petition should be rejected and an end be put to this controversial proposal.

I have just recently obtained a map (Exhibit #6) indicating the gas distribution of various gas utility lines in Connecticut, New York (New York City, Westchester, Nassau, and Suffolk counties). For us "uninitiated" people involved in these proposals, it would be great to have some "expert" sit down and discuss just what this map represents. One question alone I would like to have answered: a new 24-inch line (Iroquois Eastchester Project) recently approved and is supposed to be in operation within this year, is not to supply gas to Long Island but is to transport gas to New York City!!! (see Exhibit #3). In the August 12<sup>th</sup> letter to me from FERC, in answer to my questioning the 6/17/03 letter that the Eastchester Project (a 24-inch gas line) could be utilized to supply Long Island, FERC's answer was the the Eastchester line was to "supply markets in New York City," another surprise when you look at this map and listen to all the dialogue that Long Island is in a crisis for energy.

In conclusion, I think there is a great need for all parties to have open discussions on this situation. I would suggest that a meeting be convened by representatives of FERC, the Connecticut Siting Council, NOAA, U.S. Fish and Wildlife, and the U.S. Corps of Engineers to meet in an open discussion of many questions that have been presented and not answered publicly. If such a meeting can be called, I would suggest as authoritative opponents at least 4 of which should be three former employees who have taken early retirement: John Volk, former Executive Director of the Aquaculture Division of the Department of Agriculture; Ralph Lewis, former State Geologist in the D.E.P.; and Ernie Beckwith, former Connecticut Marine Fisheries Bureau, D.E.P.); and a present state employee, Dr. Lance Stewart, College of Agriculture, Natural Resources Cooperative Extension of UCONN at Avery Point.

Added to these basic highly educated and authoritative individuals, a representative of several organizations that have been actively involved in all the controversial petitions, i.e., Save the Sound, Woodlands Coalition, Environmental Defense Fund, Connecticut Seafood Council, and one or two legislators who have been actively involved in all the proceedings.

The purpose of the convened meeting would be to allow for open discussion, without 2 or 3 minute limitations or closed written objections to be fully discussed.

We have just finished a 12-month meeting of the Task Force Working Group, unofficially known as the "Moratorium Committee," which was dominated by the utility interests with the main topic "sustainable energy." Kudos to Joel Reinbold, Chair of this committee; he is to be complimented for further development of a plot plan of Long Island Sound that we started 1 ½ years ago. We now are 90% finished with identification of shell fish, finfish, and all the identification of geological formations and structures in Long Island Sound. It is time we had a full and open debate about the possible negative effects on the environment so the whole story can be heard.

Thank you for your consideration.

Sincerely,



George L. Gunther, N.D.



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COMMISSIONER  
ATLANTIC STATES MARINE FISHERIES COMMISSION

### Testimony of Senator Gunther

#### Exhibit 1

David P. Boergers, Secretary  
Federal Energy Regulatory Commission  
888 First Street N.E.  
Washington, DC 20426

June 17, 2003

Dear Mr. Boergers:

I have recently had a conversation with a very responsible and very well informed person on energy, especially gas energy. In the course of our conversation I was amazed of an action, which is purported to have taken place between Iroquois Gas and Islander East Pipeline (Duke Gas). I wonder if it was between the two companies or whether your commission has, or had, knowledge of it?

I was told that Iroquois Gas offered Duke to use a connection in Brookfield, CT to transfer their gas to Iroquois, who would then bring the gas thru their Iroquois existing pipeline from Milford, CT to Northport, Long Island, N.Y. This arrangement would eliminate the need for Islander East Pipeline pending petition. It is my understanding that Duke Gas rejected this proposition.

Having been involved for the past 3 years, including all proposals before the Connecticut Siting Council and your FERC proposals, this proposition makes good sense and would certainly resolve a stagnant situations both with the environmental and energy supply to Long Island.

It is my understanding that Iroquois Gas has a 24" gas main to Northport, Long Island and is presently utilizing only a half of its capability. Islander East has only a 10" pipe from Cheshire, CT and would require their building a 24" connection from Cheshire to Branford, CT. If this proposition were accepted it would eliminate the need to install a 24" main from Cheshire to Branford and the very expensive directional drilling of some 5000' and 22 miles of 24" pipe to Shoreham, Long Island, N.Y.

If there is such a demand for getting gas to Long Island this would certainly expedite the availability of gas in a matter of days or weeks by installing the connection in Brookfield, Connecticut.

As the record will show, I opposed Iroquois' petition to add a Shoreham, Long Island connection to its Milford – Northport Line and it is quite apparent that Iroquois recognized that its proposition was not practical or feasible and they withdrew that proposal. If the purported proposal to bring Islander East Gas by the way of the underutilized Iroquois Gas Milford connection, it certainly would make good sense.

I understand that Iroquois Eastchester Pipeline has already been installed from Northport to the Bronx, NY and potentially will be operational around September of this year. This being the case why would you need Islander East Branford to Shoreham Line? Certainly two 24" gas lines to Northport would be more than sufficient to supply gas energy to Long Island's needs.

This then begs the question, why put a gas line from Cheshire, CT to Branford and 22 miles across Long Island Sound? A gas line from Northport to Shoreham could be installed and it is only about 15 to 18 miles.

Using the Flag-Telecom corridor, which, according to Connecticut's geologist, the bottom is sand, gravel, and glacial clay, easily allowing a jet installation and would require only a N.Y. siting council permit?

At this juncture I feel compelled to ask you why the Flag-Telecom corridor has never been considered for any and all electric and gas extension. I would again ask you to review several letters and my appearance at two Milford, CT hearings before your Commission. This corridor now makes more sense than at the time I made them because now with the completion of Eastchester Project you have a corridor from the Bronx, N.Y. all the way out to Montauk Point all in New York State, and from a geological view point a bottom of sand, gravel, and glacial clay, not the occasion of bedrock in shallow areas of Connecticut.

I am also concerned that your maps presented at the two Milford, CT Hearings do not indicate that presents of Flag-Telecom route although they had been installed at least 2 years ago and the ITT and MCI cable route from Connecticut to Long Island were clearly indicated. No use of Flag-Telecom corridor was, to my knowledge, ever proposed as an alternative.

I appreciate that Iroquois Gas and Islander East (Duke) are business competitors and your Commission did not consider the question of whether the proposition of joining for public good of an important energy crisis is in Long Island, N.Y. I believe your mission is to explore all avenues, especially when the public's trust of protection (i.e. Long Island Sound) a valuable estuary system that is presently impacted by many environment impacections.

Isn't it about time we stopped playing corporate politics with the energy "crisis" and gave consideration to protecting one of the most important estuarine marine bodies, Long

Island Sound, on the Eastern Seaboard? If this purported Iroquois-Islander East proposition hasn't been formally purposed to your Commission, it should have been. I believe that you should withdraw Islander East approved petition and consider Iroquois' offer as an alternative, which is "feasible, cost saving, time saving, and with obvious minimum environment affects on Long Island Sound."

Sincerely,

A handwritten signature in black ink, appearing to read "G. L. Gunther". The signature is stylized with a large, looped "G" and a cursive "L".

G. L. Gunther  
State Senator – 21<sup>st</sup> District



## Testimony of Senator Gunther

### Exhibit 2

## State of C

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July 18, 2003

Magalie Roman Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

CHAIRMAN  
REGULATION REVIEW COMMITTEE

RANKING MEMBER  
PUBLIC HEALTH COMMITTEE

MEMBER  
LEGISLATIVE MANAGEMENT COMMITTEE

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ATLANTIC STATES MARINE FISHERIES COMMISSION

Dear Secretary Salas:

On June 17, 2003 I had written a letter addressed to Secretary Boergers (who I did not realize had retired). On speaking with your office, I learned that the June 17 letter had been turned over to the External Affairs office to be answered; I have not heard from them. This letter was relative to the Islander East Pipeline Petition that your Commission has considered. The project is presently being held up as it has not met the approval of the Connecticut Department of Environmental Protection. In that letter I had asked several questions that I had hoped would be answered by now. The questions posed were in the narrative of the letter and so were possibly missed in the reading, so I will specifically ask again and hope for a response:

1. Has any proposition by Iroquois Gas or Islander East (Duke Gas) to use Iroquois Gas (Milford, CT to Northport, LI, NY) pipeline to transport Islander East gas to Long Island been made?
2. If this proposition has not been submitted as an alternative to your Commission are you aware that such a negotiation has purportedly taken place?
3. In the hearing process of both FERC and the Connecticut Siting Council why haven't the maps indicated the FLAG-Telecon corridors while clearly indicating the MCI and IIT corridors?
4. Since the Eastchester Pipeline from the Bronx to Northport, LI, NY has been installed and will be operational in a matter of months, when will it be indicated on the hearing maps?
5. Have any of the petitions presented to you mentioned/discussed the possibility of using the FLAG-Telecon corridor as an alternative to the Connecticut-to-Long island route?
6. Has your Commission every consulted with the Connecticut or New York State Geologists as to the seismographic profiles of Long Island Sound?
7. Is it true that practically "all gas transmission lines" of practically all gas pipeline companies (i.e., Algonquin, Iroquois, Duke, El Paso, Tenneco) are "looped" to supply gas to each other all over the country? Why not to Long Island, New York?

Gunther, P. 2

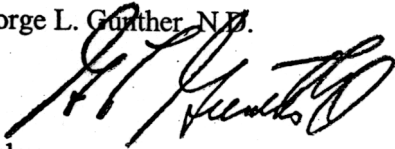
It is now over one month since I wrote to FERC and I have not received an acknowledgment that you have received my communication, let alone answering my questions. My experience over the years in both correspondence and hearings with your Agency has been no response. I think this is a very cavalier attitude for any public agency.

I am certain that you are aware that the U.S. Corps of Engineers has scheduled a hearing on Islander East Pipeline Project on August 5, 2003 in Branford, Connecticut. This is something we have been requesting since your petition was first introduced.

I would appreciate a response to both my June 17, 2003 letter and this present inquiry immediately.

Sincerely,

George L. Gunther, N.E.

A handwritten signature in black ink, appearing to read 'G. L. Gunther', written over the typed name.

Enclosure



FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON

Exhibit 3

FAX TRANSMITTAL SHEET

DATE: August 13, 2003

TO: Nancy Owen

ORGANIZATION: State Senator Gunther

FAX NUMBER: 860-240-8308

VERIFICATION PHONE NUMBER: 860-240-8863

NUMBER OF PAGES INCLUDING COVER SHEET: 6

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FROM: Paula J. Feld

ORGANIZATION: Federal Energy Regulatory Commission  
Office of External Affairs

FAX NUMBER: (202) 208-2106

VERIFICATION PHONE NUMBER: 202-502-6544

SUBJECT: Hard copy to follow in the mail.

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D. C. 20426

AUG 12 2003

The Honorable George L. Gunther  
Senator  
Connecticut State Senate  
State Capitol  
Hartford, CT 06106-1591

Re: Islander East Pipeline Company, LLC (Islander East), Islander East Pipeline  
Project, Docket No. CP01-384-000.

Dear Senator Gunther:

Thank you for your June 17 and July 18, 2003 letters regarding several questions and concerns you have about the Islander East Pipeline Project. Please let me apologize for the delay in our response. Your letters were misdirected and have just recently come to my attention.

First, you mention a discussion between Iroquois Gas Transmission System, L.P. (Iroquois) and Islander East Pipeline Company L.L.C. (Islander East) concerning Islander East's use of Iroquois' facilities to transport natural gas. No proposal or application has been made before the Commission, therefore, it is not part of the public record for this project. However, in Commission staff's August 2002 final environmental impact statement (EIS), system alternatives utilizing portions of Iroquois' pipeline system were reviewed. If Iroquois or Islander East intend to pursue such a project, an application, including market data and an environmental report, would be required for our review.

Second, you've expressed concern that the Flag-Telecon corridor and Iroquois' Eastchester Pipeline were not indicated on maps before the Connecticut Siting Council (Council) or the Commission. We cannot shed any light on the Connecticut Siting Council process. However, the Flag-Telecon corridor (also known as Flag Atlantic 1) was included in both the Islander East application to the Commission and its application to the Council. Appendix 4 of its application to the Council provided a Marine Geophysical Survey Report that included a project overview map with all cable crossings, as well as an alignment and profile sheet depicting the cable crossing in New York waters at about Milepost 25. A photocopy of the project overview map is provided for your convenience.

Regarding the placement of the Eastchester Pipeline on Islander East Pipeline project maps, the Islander East Pipeline is not in the same vicinity as the Eastchester project. In addition, the Commission's review process for Islander East ended in January, 2003. Any project revisions made by Islander East would occur on the construction photo alignment sheets rather than on general overview maps. Therefore, due to scale, Eastchester would not be depicted on maps for this project. However, you may review project maps for the Eastchester Pipeline in the Commission record for Docket No. CP00-232-000.

In addition, in your first letter you mentioned that the Eastchester Pipeline has been installed between Northport and the Bronx, New York, which you said could provide natural gas to Long Island. Please know that the Eastchester Pipeline is designed to transport natural gas from Long Island to supply markets in New York City. As such, this pipeline would not alleviate the need for natural gas on Long Island.

You also questioned whether the Flag-Telecon corridor was examined as an alternative to the Islander East Pipeline Project. As depicted on the attached general project map, the corridor in question runs entirely in Long Island Sound from the Atlantic Ocean in a westerly direction toward New York City. A route based on this corridor would not serve the purpose of moving natural gas to Long Island, and would involve a significantly greater amount of pipeline construction in Long Island Sound. As previously stated, if a company proposes to route a project along this corridor, we would review any application filed with the Commission. However, no petitions or comment letters mentioned this route.

Regarding your concerns over the geology of Long Island Sound, sections 3.1 and 3.3 of our draft EIS discuss geology and Long Island Sound and include a thorough review of the existing environment based on published data and the results of site-specific testing performed by Islander East. All comments on the draft EIS concerning the geology of the area were addressed in the final EIS. Neither the Connecticut nor the New York State Geologists commented on the information provided on the geology of Long Island Sound.

Lastly, in response to your question concerning the possibility of looping to accomplish the same project objectives, although many pipeline companies collaborate to move natural gas to locations requiring service, this is done by constructing new laterals as well as looping. Projects are determined based on the review of the available capacity on the existing lines, the ability to connect at the same pressure, physical hindrances of pipeline installation, where the gas is needed, as well as numerous other market and engineering factors. These factors are analyzed by the applicants prior to filing with the Commission. Then, the Commission staff reviews the project in its entirety, including

3

market factors and environmental impacts. In addition, any suggested alternatives received during the process, including alternatives that include looping, are analyzed for incorporation into the final EIS. There are no west to east interstate transmission pipelines on Long Island that could be looped to provide service for this project.

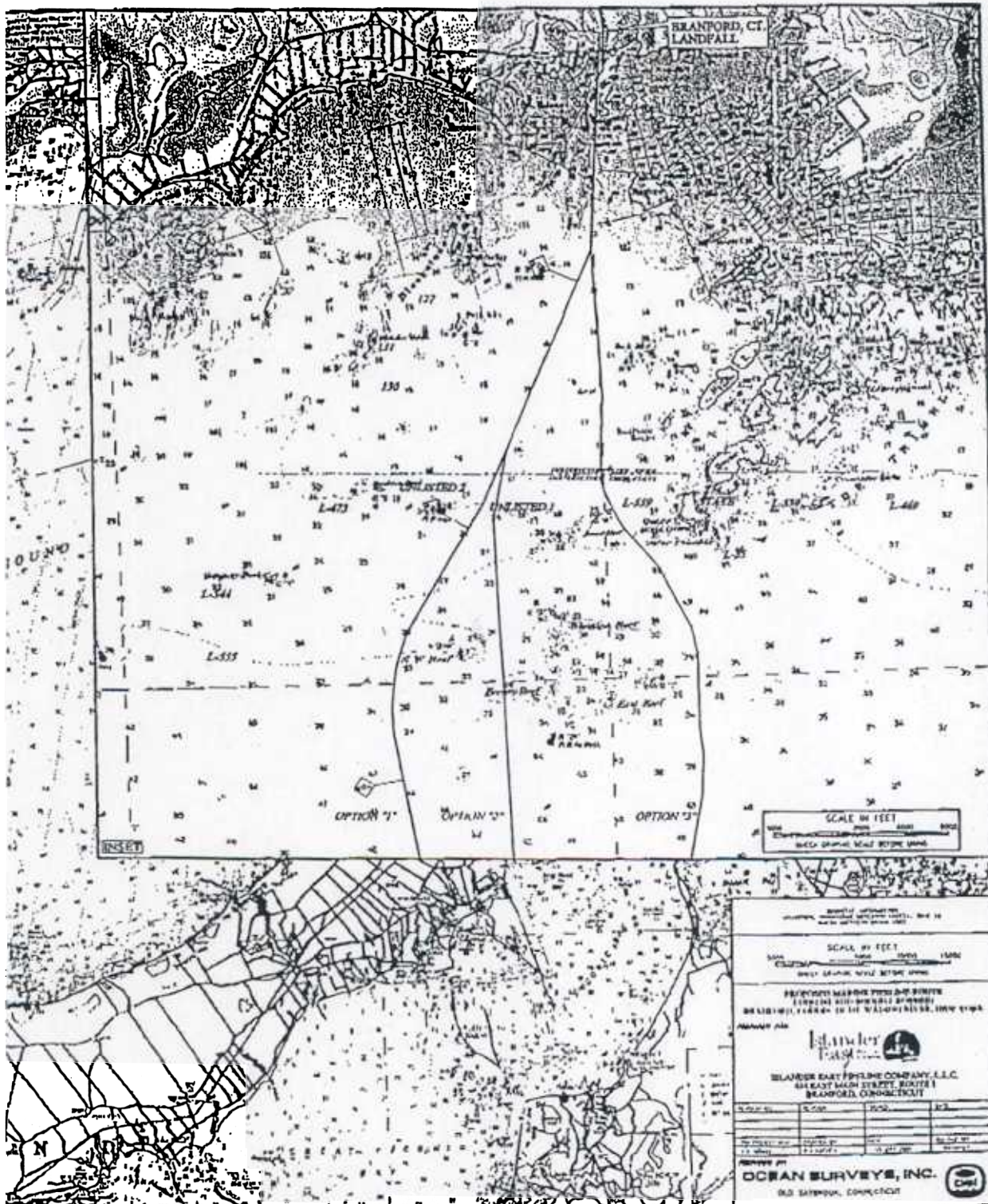
As is our practice, copies of your letter and this response have been placed in the public files for this completed proceeding. If I can be of further assistance in this or any other Commission matter, please let me know.

Sincerely

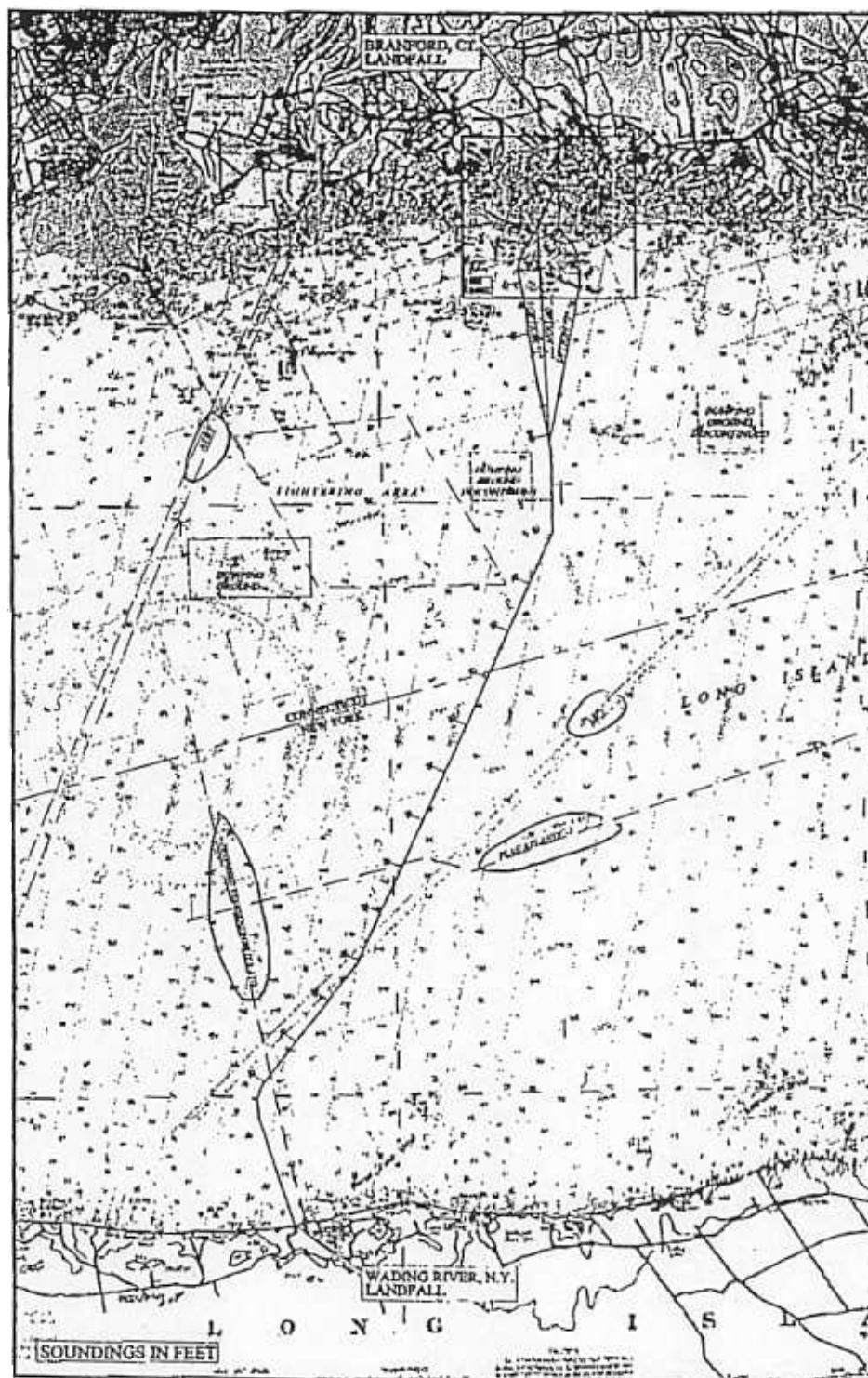
A handwritten signature in black ink, appearing to read 'K. F. Cadden', written over a horizontal line.

Kevin F. Cadden  
Director  
Office of External Affairs

Enclosure









## Testimony of Senator Gunther

### Exhibit 4

## State of Con

### SENATI

#### STATE CAPITOL

HARTFORD, CONNECTICUT 06106-1591

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COMMISSIONER  
ATLANTIC STATES MARINE FISHERIES COMMISSION

July 28, 2003

United States Army Corps of Engineers  
696 Virginia Road  
Concord, MA 01742-2751

Re: File 200103091

To: Ms. Cori M. Rose

I wish to go on record to strongly continue to oppose the Algonquin Gas Transmission Company's and Islander East Pipeline Company's petition to construct a 24" pipeline from Branford, CT to Brookhaven, Long Island, NY. At this writing I have not had the opportunity to review any possible modifications of the original application of March 18, 2002 but any revisions would not alter my objections to the original petition.

If nothing else, I would say that your "Notice of Public Hearing" which stated "The pipeline, as proposed, will cross or indirectly impact 18 water bodies, 55 wetlands and Long Island Sound" would be an excellent basis for anyone in Connecticut who is concerned with the protection of our environment to oppose this proposal.

There are three estuaries in the United States that have been cited as estuaries of "national importance": Long Island was the first priority, followed by Puget Sound and then Chesapeake Bay. Long Island Sound has already been adversely impacted by pollution, hypoxia, etc., but it has also been abused by cable, gas pipelines, and electric cable crossings. It has taken millions of years to develop Long Island Sound and produce the habitat for hundreds of species of shellfish, finfish, crustacea, and many other marine species. In the past century, man has, in a short period of time, seriously impacted this estuarine habitat, and this petition is another "nail in Long Island Sound's coffin."

In 1969, I authored the Connecticut Tidal Wetlands Law and co-authored the Inland Wetlands Law a year later. Islander East upland proposal is not very desirable but it is easy to monitor and possibly avoid or mitigate the negative effects.

However, to monitor or control the directional drilling and the laying of a 24-inch pipe 22 miles in Long Island Sound, in my book, is usually difficult, if not impossible, until the damage is done. We need only to look at the Cross Sound Cable Project in New Haven Harbor just last year with

the "blow-out" of the directional drilling and the contamination of thousands of yards of Bentonite and the jetting of the cable to hit bed rock (even though many of us warned of the existence of bedrock and the impossibility of meeting the requirement of the permit). The damage has been done: a large area of the original bottom of Long Island Sound has been destroyed by the jetting for the cable and will never be the same.

With Islander East's proposal you are talking of a much more directional drilling of 5000 feet, much more than the few hundred feet of the Cross Sound Cable Project.

As for the laying of a 24-inch pipe using "side casting," "plowing," "water-jetting," or a combination of the three methods, digging 22 miles to Long Island to attain a 6-foot burial of the 24-inch pipe would require a trough 12 feet to 15 feet wide and 12-to 15-feet deep -- and that portion of the bottom of Long Island Sound will be an additional permanent loss..

The potential of damage to clam and oyster farms in the Sound has been cited by many of the opponents, and we are all on record with that concern. However, very little has been said about the fin fisheries, lobster, crabs, and other marine animals that inhabit the Sound, or migrate through our Long Island Sound, are mobile, have patterns of migration and usually, for various reasons, inhabit areas for spawning, breeding, and feeding. They are creatures of habit and unexplainable patterns, and upsetting these patterns can impact these species negatively.

I have been a Commissioner on the Atlantic States Marine Fisheries Commission for 30 years. One-and-a-half years ago, after Connecticut Siting Council Dockets 197 and 208 (Cross Sound Cable) were heard, I was appalled to find that the Commission had very little documentation on Long Island Sound. Our State Geologist had never been called upon even though the entire Long Island Sound had been seismographed. Although many studies of finfish and marine animals have been done, the head of our marine fisheries also had not been called into the process. The only Connecticut expert that was brought directly into the process was the head of the Aquaculture Division of the Department of Agriculture, and that was primarily for shellfish information. Most of the testimony on the environment and fishery was from the utilities' "hired guns," hardly what you would consider to be a neutral authority.

I was not an intervenor at these two presentations but I did file letters of opposition. I have been aware over the years that many studies of Long Island Sound were conducted. Back 35 or more years ago, Senator Abe Ribicoff had an extensive study of the Sound, made up of several large volumes. I don't believe more than a dozen people even read the report. Since then, there have been many studies and especially of the fin fish and shellfish. There were two reports that I think were notable and should have been involved in all applications, electric or gas, to bury lines in Long Island Sound. In 1986 Martin Marietta submitted a study entitled "Spatial and Temporal Distribution of Selected Long Island Sound Finfish and Shellfish" to the National Oceanic and Atmospheric Administration. Later, in February 2000, NOAA developed a 10-year study entitled "The Distribution and Size Composition of Fin Fish, American Lobster, and Long-Tailed Squid in Long Island Sound" based on the Connecticut Fisheries Division Bottom Trawl Survey (NOAA Technical Report NMFS 148). I am sure there are other reports but these two, I feel, should have received major consideration in any of these Connecticut Siting Council or FERC deliberations, especially Islander East.

As a result of my concern about the lack of information on Long Island Sound, I requested that the Connecticut Siting Council develop a plot plan of Long Island Sound including shellfish, fin fish, and all the information on the bottom of Long Island Sound. One-and-a-half years ago, Joel Reinbold, Executive Director of the Connecticut Siting Council, was authorized by the Council to develop this information. Mr. Reinbold changed positions and is now the Executive Director of



the Institute for Sustainable Energy and chaired the Long Island Sound Task Force (the "Moratorium Committee") for the past year. During this period he continued to work on the "plotting map" of Long Island Sound and, as of June 2003, had developed 28 maps of existing data which should help to identify important issues that should be addressed. My only concern is that data was available from Connecticut's marine fisheries unit that was detailed as to specific species of fin fish, much more detailed than found in Map #12.

Inasmuch as this information was not available in one publication at the original action on Islander East's petition, your present call for a public hearing on August 5 will give you a rare chance at a second look. I am enclosing a copy of these maps (Exhibit #1) for your perusal. In addition, I am including a sample of an available map and some specific species maps (Exhibit #2) that were not included but that are available from the Connecticut Bureau of Fisheries. I would point out that my concern about all fisheries in Long Island Sound will be substantiated by these exhibits. You will note

1. Most of the fisheries are in the Connecticut jurisdiction and mostly in the western end of the Sound;
2. Concentrations of the fisheries in the western end of the Sound are heavily in the New Haven area and from Bridgeport to Norwalk;
3. The New Haven area has already seen the burying of ITT and MCI cables, the new Cross Sound Cable, and, if finally approved, the Islander East pipeline;

hardly what could be considered "beneficial" to these fisheries. I would also like to point out that one of the endangered fish, the Atlantic sturgeon, lives in Long Island Sound, very close to the Branford crossing of Islander East. The Atlantic sturgeon is on the prohibited list for catching and shows signs of coming out of the endangered finfish category.

I am also enclosing a chart that I asked to be developed indicating the spawning periods of about 40 fin and shellfish species found in Long Island Sound (Exhibit #3). You will note that much of the opposition for all the proposed burying of cables and pipes in Long Island Sound bottom has been related to clams and oysters. You can see by this chart, many finfish species would be impacted by the various methods of burying these cables and pipes that would put silt in the water column, affecting not only the breeding and spawning process but also adversely affecting the matured fisheries as well. I would call to your attention that the National Marine Fisheries and the U.S. Corps of Engineers "signed off" on the burying of the Cross Sound Cable during last May. A look at this chart would certainly indicate that that was the worst period for many fisheries to conduct that activity.

I would again join with all the people who have opposed Islander East and ask that you reject this petition in the interest of protecting the environment of Long Island Sound, one of the three most important national estuaries.

In addition to my concern over the environmental aspects of this petition, I am equally disturbed that there are alternative routes that have never been considered by the Connecticut Siting Council or FERC. Alternative routes had been recommended by the utilities but were rejected by the Council. During the hearings I was surprised that the maps used indicated the existing structures such as MCI and ITT cables, Iroquois Gas in Milford, CT to Northport, Long Island, NY pipeline, New England and LIPA electric cable crossing Norwalk, CT to Northport, Long Island, NY, but to my knowledge not one map indicated FLAG-Telecon cable from Northport, Long Island, NY all the way out to Montauk Point, NY, paralleling the North Shore of Long Island that was installed several years ago. I discovered this corridor while working to identify these structures for a "plot plan" of Long Island Sound from an ad in the Commercial Fishing News.

Sen. Gunther, p.4

Mr. Joel Reinbold was amazed at that time, and at two subsequent FERC hearings in Milford, CT at which I testified, the FERC Commissioners conducting that hearing were also not aware of that corridor. Since that time FERC has approved the Eastchester Iroquois Pipeline Project, and the pipe has been installed and is ready this fall for operation. That project establishes a corridor from the Bronx, NY, paralleling the entire North Shore of Long Island, to Montauk Point.

I would point out that this corridor (FLAG-Telecon Cable, Eastchester Iroquois Pipeline) has established a route which the geologist can verify is primarily sand, gravel, and glacial clay with bedrock hundreds of feet below the bottom, unlike Connecticut where bedrock is measured in feet below the bottom and in the case of Cross Sound Cable and Islander East Pipeline require directional drilling for installation. In the case of Cross Sound Cable they have encountered bedrock in New Haven Harbor at less than 40' MLW which has prevented them from fulfilling the stipulation that it was required that they bury the cable at 48' MLW.

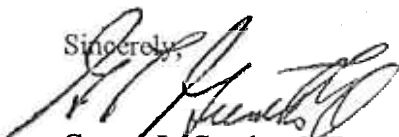
My point here is that a corridor to get electric cable or gas pipe has been established entirely within the jurisdiction of New York and federal authorities from the Bronx, New York through a bottom of sand, gravel, and glacial clay with a much-limited shellfish and fin fish population, yet it has never been suggested or indicated in hearings. I notified Governor Pataki and the Siting Councils of Connecticut and New York shortly after I uncovered it. Why wasn't -- or isn't -- it being considered instead of the present routes from Connecticut?

I am concerned with information from a very reliable source that a proposition was offered by Iroquois Gas to Duke Gas that because of the Islander East problems Iroquois Gas is willing to take Islander East (Duke) gas at a point in Brookfield, CT and bring the gas to Iroquois' Milford, CT pipeline and then on to Northport, Long Island, NY; but this project was rejected by Duke. Iroquois' Milford to Northport line has been underutilized, and they have plenty of capacity to handle Duke's obligation. If this proposition were accepted, Islander East could save hundreds of millions of dollars by eliminating the need for the building of a 24-inch pipeline from Cheshire, CT to Branford, CT, and for doing a 5000' directional boring and then laying 22 miles of pipe to Shorehaven, Long Island, NY. Eliminating this project would also result in the saving of millions of dollars in payments for shellfishermen objectors who are willing to support the project for a price, and withdraw their applications. Everyone would be happy -- another alternative worth considering.

Finally, Islander East filed this proposition to build this pipeline, and I understood the justification for building this pipeline was they had contracts to supply gas to at least three generation plants on Long Island. I believe that the three companies were A&P at Brookhaven, Long Island, NY; AES at Riverhead, NY; and KeySpan in NY. I have been told that AES and A&P are no longer in contract with Islander East and that KeySpan, at this point, is not in contract. If this is the case, who is going to receive the gas from Islander East? Don't the Iroquois' Milford to Northport existing pipeline and the soon-to-be-operational Eastchester Iroquois pipeline supply Long Island now and into the foreseeable future with all the gas necessary?

With all these questions and the adverse effect of this project on Long Island Sound's estuaries, this application should be denied for the benefit of all.

Sincerely,



George L. Gunther, N.D.



**DEPARTMENT OF THE ARMY**  
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS  
696 VIRGINIA ROAD  
CONCORD, MASSACHUSETTS 01742-2751

August 14, 2003

Regulatory Division  
CENAE-R-200103091

Honorable George L. Gunther  
Connecticut Senate  
890 Judson Place  
Stratford, Connecticut 06615

Re: Islander East Gas Pipeline Project; File No. 200103091

Dear Senator Gunther:

We are in receipt of your letter dated August 4, 2003, concerning a proposal submitted by the Islander East Pipeline Company, LLC for the construction and installation of a new 24-inch diameter pipeline between the State of Connecticut and Long Island, New York. I understand you have serious concerns about the potential environmental effect of the proposed project.

As you are aware, we have extended the comment period for our public hearing through September 5, 2003, to provide the public additional opportunity to submit substantive comment on the proposed activity. We are currently reviewing the application, the Federal Energy Regulatory Commission (FERC) documentation, and the supporting administrative record, including the comments provided in response to our Public Notice and the issues raised at our Public Hearing. We will include an evaluation to determine whether the need or demand for gas transmission to Long Island can be met in a less environmentally damaging and practicable manner. Your concerns will be specifically addressed in our Environmental Assessment and Statement of Findings prior to any permit decision.

This letter will be made part of the official administrative record. If you have any questions, please do not hesitate to call me at 978-318-8220. Ms. Cori M. Rose of my staff is the Regulatory Division project manager and she can be reached at 978-318-8306.

Sincerely,

Thomas L. Koning  
Colonel, Corps of Engineers  
District Engineer

Testimony of Senator Gunter

**Exhibit 5**

44A

# Long Island Sound Species Spawning Data Sheet

Compiled by P. Howell, CT DEP Marine Fisheries

Common Name	Scientific Name	Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Spawn in sound
Alewife	<i>Alosa pseudoharengus</i>	Late March-May			Y	Y	Y								Yes, in the rivers
American Eel	<i>Anguilla rostrata</i>	February		Y											No, in Sargasso Sea
American Lobster	<i>Homarus americanus</i>	Hatched primarily May-July					Y	Y	Y						Yes
American Shad	<i>Alosa sapidissima</i>	May-July					Y	Y	Y						Yes, in the rivers
Atlantic Herring	<i>Clupea harengus</i>	Late August-November								Y	Y	Y	Y		Maybe
Atlantic Menhaden	<i>Brevoortia tyrannus</i>	May-October					Y	Y	Y	Y	Y	Y			Probably
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	May-July					Y	Y	Y						Yes, in the rivers
Black Sea Bass	<i>Centropristis striata</i>	June-August						Y	Y	Y	Y				Yes
Blue Crab	<i>Callinectes sapidus</i>	Hatched primarily May-September					Y	Y	Y	Y	Y				Yes
Blueback Herring	<i>Alosa aestivalis</i>	April-August				Y	Y	Y	Y	Y					Yes, in the rivers
Bluefish	<i>Pomatomus saltatrix</i>	March-September		Y		Y	Y	Y	Y	Y	Y				No, offshore
Butterfish	<i>Peprilus triacanthus</i>	April-September				Y	Y	Y	Y	Y	Y				Yes
Climacose Skate	<i>Raja eglanteria</i>	Spring and summer egg capsules				Y	Y	Y	Y	Y	Y				Not spawned but Hatched in Sound
Cunner	<i>Tautoglabrus adspersus</i>	May-November					Y	Y	Y	Y	Y	Y	Y		Yes
Fourspot Flounder	<i>Paralichthys oblongus</i>	April-November				Y	Y	Y	Y	Y	Y	Y	Y		Yes
Goosefish	<i>Lophius americanus</i>	June-September						Y	Y	Y	Y	Y	Y		Yes
Hogchoker	<i>Trinectes maculatus</i>	April-October				Y	Y	Y	Y	Y	Y	Y			Yes
Horseshoe Crab	<i>Limulus polyphemus</i>	Hatched primarily May-July					Y	Y	Y	Y					Yes, spawning beaches (intertidal)
Little Skate	<i>Leucoraja erinacea</i>	Late October-January, June, July egg capsules	Y					Y	Y			Y	Y	Y	Not spawned but Hatched in Sound
Long-Finned Squid	<i>Loligo pealii</i>	May-June, September-October					Y	Y	Y	Y	Y	Y	Y		Yes
Northern Sea Robin	<i>Prionotus carolinus</i>	May-November					Y	Y	Y	Y	Y	Y	Y		Yes
Rainbow Smelt	<i>Osmerus mordax</i>	Late February-May					Y	Y	Y	Y	Y	Y	Y		Yes, in the rivers
Red Hake	<i>Urophycis chuss</i>	May-November					Y	Y	Y	Y	Y	Y	Y		Yes
Scup	<i>Stenotomus cryscops</i>	May-August					Y	Y	Y	Y					Yes
Sea Raven	<i>Hemirhamphus americanus</i>	Early October-Late December										Y	Y	Y	Yes
Silver Hake	<i>Merluccius bilineatus</i>	May-November													Yes
Smooth Dogfish	<i>Mustelus canis canis</i>	10-11 month gestation, birthed in May					Y								Not spawned but Born in Sound
Spotted Hake	<i>Urophycis regia</i>	August-April	Y	Y	Y	Y				Y	Y	Y			Yes
Striped Bass	<i>Morone saxatilis</i>	Mid May-June					Y	Y	Y						Yes, in the rivers
Striped Sea Robin	<i>Prionotus evolans</i>	May-August					Y	Y	Y	Y	Y				Yes
Summer Flounder	<i>Paralichthys dentatus</i>	September-March	Y	Y	Y						Y	Y	Y	Y	Yes
Tautog	<i>Tautoga onitis</i>	April-September				Y	Y	Y	Y	Y	Y				Yes
Weakfish	<i>Cynoscion regalis</i>	March-August			Y	Y	Y	Y	Y	Y					Yes
White Perch	<i>Morone americana</i>	April, May, June					Y	Y	Y						Yes, in the rivers
Windowpane flounder	<i>Scophthalmus aquosus</i>	February-November		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Yes
Winter Flounder	<i>Pseudopleuronectes americanus</i>	January-May	Y	Y		Y	Y								Yes
Winter Skate	<i>Leucoraja ocellata</i>	Summer and Fall egg capsules					Y	Y	Y	Y	Y	Y	Y	Y	Not spawned but Hatched in Sound
American Oyster <sup>1</sup>	<i>Crassostrea virginica</i>	June-August						Y	Y	Y					Yes
Hard Clam <sup>2</sup>	<i>Mercenaria mercenaria</i>	May-August					Y	Y	Y	Y					Yes

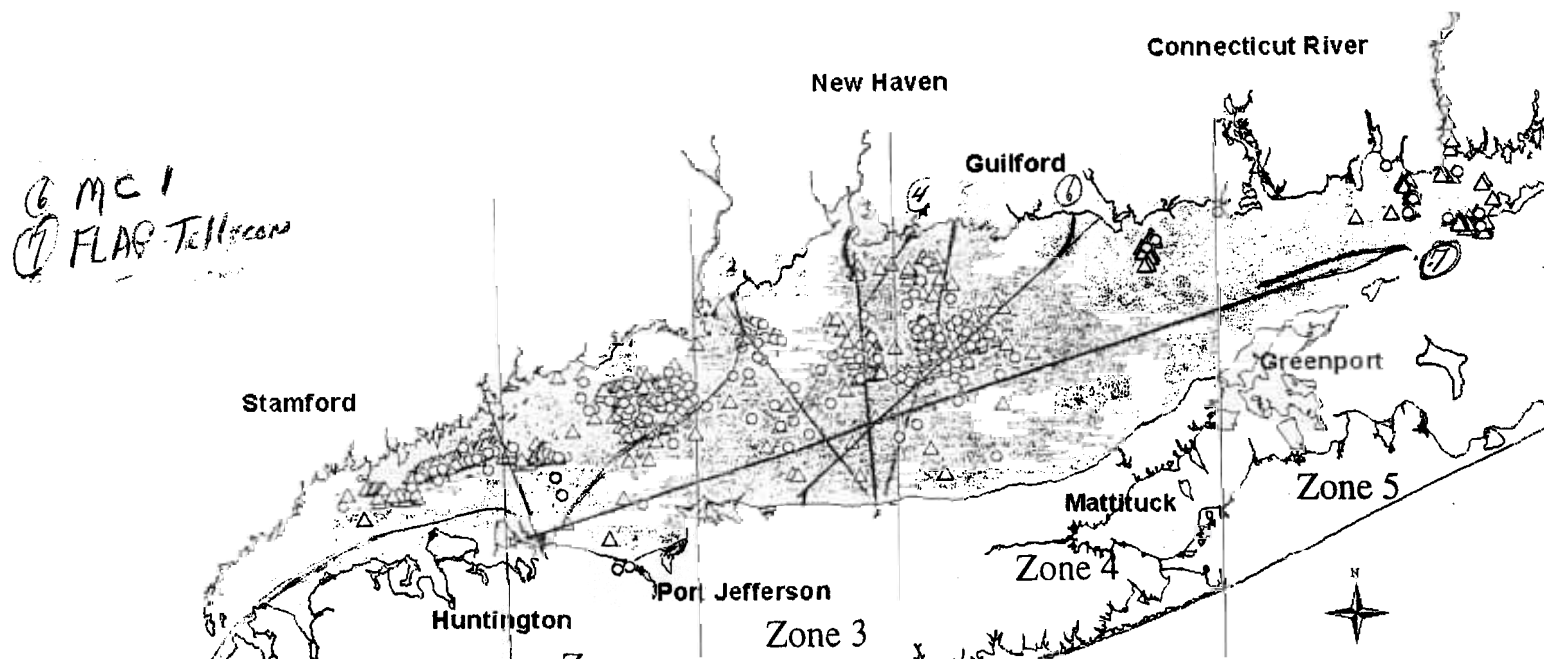
Note: Data are from Collette and Klein-MacPhee, eds. 2002. Bigelow and Schroder's *Fishes of the Gulf of Maine and Connecticut* DEP LIS Trawl Survey unless otherwise indicated.

<sup>1</sup>Loosanoff, V.L. 1965. Gonad development and discharge of spawn in oysters of Long Island Sound. Biol. Bull 128: 546-561

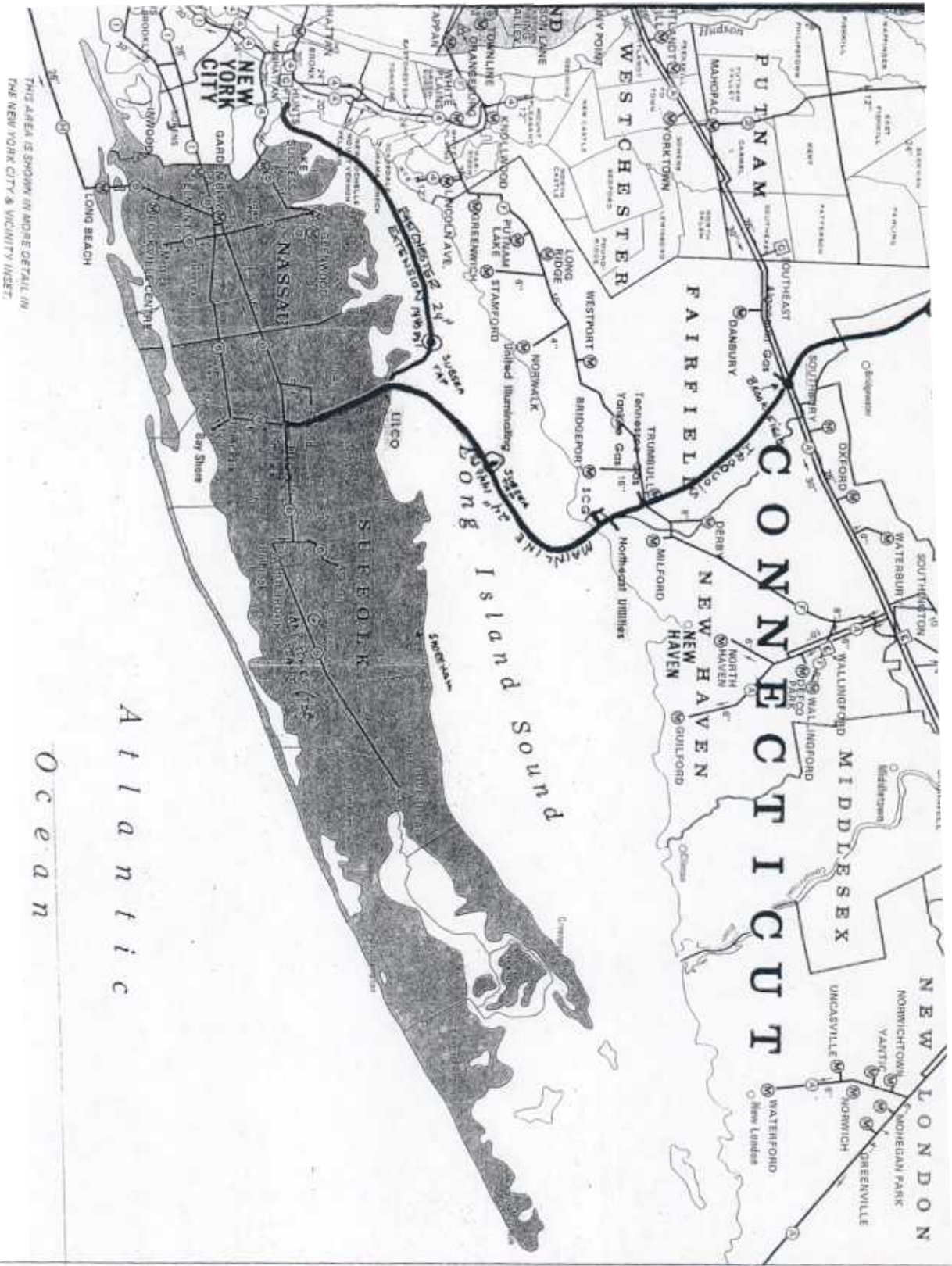
<sup>2</sup>Stanley, J.G. and R. Dewitt 1983. Species profiles: Life histories and environmental requirements of coastal fishes and invertebrates (North Atlantic) Hard Clam. U.S. Fish Wildl. Serv. FWS/OBS-82/11.18, U.S. Army Corps of Engineers, TR EL-82-4, 19pp

# CT DEP Lobster Tagging & Sea Sampling

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7TH FLOOR  
HARTFORD, CT 06103  
860-549-8463  
TOLL FREE: 1-800-225-5605

[senator\\_lieberman@lieberman.senate.gov](mailto:senator_lieberman@lieberman.senate.gov)

HOME PAGE:  
<http://lieberman.senate.gov>

November 5, 2003

The Honorable Donald L. Evans  
Secretary  
U.S. Department of Commerce  
14<sup>th</sup> Street and Constitution Avenue  
Washington, DC 20230

Dear Secretary Evans:

I am writing today in reference to an appeal that has been submitted by Islander East, LLC asking the Department of Commerce to overturn the October 15, 2002 and July 30, 2003 decisions of denial issued by the State of Connecticut Department of Environmental Protection (DEP) regarding proposed construction of the Islander East Pipeline. As you are aware, the proposed pipeline would extend through five Connecticut communities, including Branford, Connecticut, where it would enter Long Island Sound and continue on to Shoreham, New York.

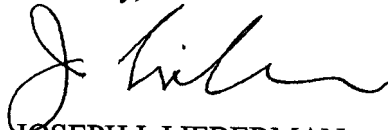
As I have stated in previous correspondence, the Connecticut DEP has twice denied Islander East's permit application for the project after determining that the project was not consistent with the State's federally approved Coastal Zone Management Plan (CZMP). In their denials, DEP officials cited numerous concerns about the adverse environmental impacts that the construction of the 24-inch diameter, 23-mile long natural gas pipeline would have on the ecologically sensitive environment of Long Island Sound, including negative impacts on shellfish, shellfish habitat, water quality, and tidal wetland areas. According to the Connecticut DEP, installation of the pipeline would negatively impact 45 acres of shellfish habitat and other activities associated with the project would threaten an additional 1,900 acres of Long Island Sound. In addition, federal agencies such as the United States Environmental Protection Agency and the United States Fish and Wildlife Service, that have reviewed the plan have expressed similar concerns with the project.

However, one of my greatest concerns has been the overwhelming opposition to the project that I have heard from my constituents, especially from residents in the local communities that would be most directly impacted by the construction and operation of the pipeline. Unfortunately, the fears of my constituents appear well founded in light of the concerns about the project that have been raised by the Connecticut DEP, U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service. Sadly, these concerned Connecticut residents can readily point to construction of the Iroquois natural gas pipeline in Long Island Sound more than a decade ago as a terrible reminder of the severe and irreparable harm that can be caused by the installation of such a project in an ecologically sensitive environment.

While I fully grasp the need for the construction of additional infrastructure to ensure that the energy needs of New England and New York are sufficiently met, I believe that additional infrastructure should not be constructed to the detriment of our precious natural resources such as Long Island Sound. The Islander East Pipeline has twice been rejected by the Connecticut DEP on the grounds that the environmental impacts of the proposed project are simply too great to outweigh any hypothetical benefits of the project. With this in mind, I strongly urge you to uphold the October 15, 2002 and July 30, 2003 decisions rendered by the Connecticut DEP that found that the construction of the Islander East Pipeline is incompatible with protection of Connecticut's coastal resources.

Thank you for your careful consideration of this matter. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lieberman", with a stylized, flowing script.

JOSEPH I. LIEBERMAN  
United States Senator

JIL:khl



**Statement of the Honorable Rosa L. DeLauro  
National Oceanic & Atmospheric Administration  
Public Hearing - November 5, 2003  
Coastal Zone Consistency Appeal of  
the Islander East Pipeline**

Since the Connecticut Coastal Management Program's inception in 1980, it has been a pioneer on a national level in its efforts to balance protection and management of coastal resources, ensuring their protection for future generations while balancing competing national economic, cultural and environmental interests. Quite simply, the Islander East proposal does not meet the basic standards which have been set to facilitate this balance.

After thorough review, the Connecticut Department of Environmental Protection (DEP) has determined on two occasions that the Islander East Pipeline proposal to install a 24-inch diameter natural gas pipeline is not consistent with the State's federally approved Coastal Zone Management Program (CZMP). The DEP found that, as proposed, the construction and installation of this pipeline would have negative impacts on water quality, shellfish habitat, water dependant use, and tidal wetlands.

In addition to the DEP's objections, the Islander East project has also been reviewed by several federal agencies in accordance with the National Environmental Policy Act and the Clean Air Act. To date, both the U.S. Environmental Protection Agency and the U.S. Fish and Wildlife Service have expressed numerous concerns with the proposed project. It must also be noted that the Secretary of Commerce, via correspondence dated April 29, 2003, was informed by Philip W. Grone, Principal Assistant Deputy Under Secretary of Defense (Installations and Environment), that the Department of Defense could not "conclude that a national defense or other national security interest would be significantly impaired if the project were not permitted to go forward as proposed.."

Since the inception of the Clean Water Act in 1972, investments in water pollution control programs have led to great improvements in the water quality of Long Island Sound. Ten percent of our country's population lives within 50 miles of the Sound. A healthy Sound is critical to our economy and quality of life. When we look at the continuing impact of the cross-Sound pipeline that already exists, we, as a community and a State, are weary of any additional harm that may come with the installation of another pipeline.

With the installation of the Iroquois natural gas pipeline only a decade ago, Connecticut residents have witnessed the severe and irreversible damage that can be caused by such a project. Despite the fact that a less environmentally damaging alternative route has been identified, not only by the DEP, but by the Federal Energy Regulatory Commission (FERC), FERC has refused to consider this alternative in concert with the Islander East proposal. The Islander East proposal is simply not the best proposal when considering the environmental risks.

Connecticut's shoreline communities and the Long Island Sound - - particularly the Thimble

Islands and associated shell-fisheries in this area - - represent an enormous cultural, historical, and economic value to our state. The drilling and trenching activities associated with the proposed pipeline will endanger the local environment and the Sound as a whole.

The State of Connecticut has and continues to work hard to ensure that we have an adequate, reliable energy supply. While I appreciate the benefits of an adequate energy supply, I cannot support a proposal that will have such negative impacts on our communities and provide no benefit to our State. Solutions to our neighbor's energy needs cannot be made at the expense of the State of Connecticut and the Long Island Sound.

As the State's regulatory enforcement agency, the Connecticut DEP is best positioned to judge the environmental impact of this project. Their determination of the project's inconsistency with Connecticut's CZMP is well reasoned and based on sound science. I strongly urge you to uphold the October 15, 2002 and July 29, 2003 inconsistency decisions issued by the Connecticut Department of Environmental Protection.



## State of Connecticut

### HOUSE OF REPRESENTATIVES

STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE PATRICIA M. WIDLITZ**  
NINETY-EIGHTH DISTRICT

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CHAIR  
ENVIRONMENT COMMITTEE

MEMBER  
EDUCATION COMMITTEE  
FINANCE, REVENUE & BONDING COMMITTEE

United States Department of Commerce  
National Oceanic and Atmospheric Administration

November 5, 2003

Re: Docket No. CP01-384-000  
ACOE Application No. 200103091

Good morning. Thank you for the opportunity to address you this morning in New Haven regarding the request of Algonquin Gas transmission Company and Islander East Pipeline Company, LLC to proceed with their proposed 24" natural gas pipeline from North haven, CT to Long Island.

My name is Patricia Widlitz. As the State Representative for the 98<sup>th</sup> District, through which the proposed project is planned, and also as Co-Chair of the CT General Assembly's Environment Committee, I am here in total agreement with and support of the Connecticut Attorney General ~~Protection~~ and the people of Branford in opposition to Islander East's application.

While the Islander East project threatens to negatively impact Branford land Trust properties, 18 water bodies and Long Island Sound, of special concern is the impact on the magnificent Thimble Islands which are not only a tourism magnet, but also support diverse habitats for waterfowl, birds and even seals. Within the path of the project are commercial and recreational shellfish beds. Connecticut has already experienced the

1

degradation of its oyster beds from the Iroquois Pipeline in 1991. To this day the shellfish beds in its path have never recovered.

In its proposal Islander East plans to use horizontal directional drilling to penetrate the floor of the Sound. In the event that this method is unsuccessful, there is a lack of information regarding alternative construction and the resulting environmental impact. There is also concern that during the HDD construction that drilling fluid (bentonite) could be released into the waters of the Sound placing the shellfish in peril. In his July 30, 2003 letter to Mr. Muhlerr of Islander East, Arthur Rocque, CT Commissioner of Environmental protection, states, "That the activities as proposed by Islander East in the proposed location would cause significant adverse impacts to coastal resources and water dependent uses and would, therefore, be inconsistent with the enforceable policies of the Connecticut Coastal Zone Management Program."

During the 2003 legislative session the Environment Committee and the Energy and technology Committee worked together to enhance the protections of Long Island Sound, along with a focus on long range planning for the siting of energy facilities and infrastructure. The CT legislature overwhelmingly passed SB 1158, AAC The Moratorium On Projects In Long Island Sound, which the governor signed into law as PA 03-148. The legislation imposes a moratorium on any electric power lines, telecommunication lines, or gas pipelines that cross the Sound by prohibiting state agencies and regulatory committees from considering or making final determinations on such projects until June, 2004. The purpose of the legislation is to allow for a comprehensive planning process recommended by the Long Island Sound task Force established by PA 02-95.

PA 03-140, AAC Long Term Planning for Energy Facilities, further requires proof of a public need rather than just a public benefit in the case of substantially underwater projects that present a significant environmental risk. It calls for consideration of other feasible and environmentally advantageous alternatives that meet the same need. This legislation passed unanimously and exhibits the state's desire to determine the necessity for such lines for the good of Connecticut residents, and if the need does exist, how best to place them in the Sound with minimal impact on the environment and aquaculture.

I strongly oppose the proposed project as it blatantly ignores the clearly documented public policy goals of the State of CT. It is in direct conflict with CT's federally approved Coastal Zone Management Program, does not provide adequate information on alternative construction methodologies ( i.e. HDD), and does not give adequate consideration to alternative sites, such as the ELI System Alternative as referenced in the FEIS in section 4.2.1. The potential impact of this proposal on water quality, shellfish, and shellfish beds, tidal wetlands, and the Public Trust of long Island Sound- an Estuary of national Significance- is devastating. We should all stand firm in a resounding NO to this project.

**STATEMENT OF CONNECTICUT ATTORNEY GENERAL  
RICHARD BLUMENTHAL TO NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION, UNITED STATES DEPARTMENT OF COMMERCE,  
REGARDING ISLANDER EAST**

**NOVEMBER 5, 2003  
NEW HAVEN, CONNECTICUT**

The Islander East gas line is a paragon – virtually unexcelled – as a potential environmental disaster. Let us count the ways: devastating effects on coastal resources, degradation of water quality, destruction of essential fish habitat and lasting damage to tidal wetlands. Incredibly, this list is incomplete, containing only some of the reasons this project is ill conceived and illegal. Even if Long Island needs more natural gas, there are preferable sources and means to supply it.

Islander East proposes to blast, trench and drill a 50 mile long gas pipeline, including more than 20 miles through some of the most unique, precious and significant areas of the Long Island Sound, including the Thimble Island complex---a pristine, highly diverse habitat and geologically distinctive area. Its 141 rocky islands are home to many important marine animals and plants, including oysters and lobsters. The Thimble Island complex's ecological significance is unmatched in the entire Sound. The area is described by the federal government's Fish and Wildlife Service as a "significant habitat complex in need of protection" in the Northeast Coastal Areas Study: Significant Coastal Habitats of Southern New England and Portions of Long Island, New York (August, 1991).

In short, the Islander East proposal is an environmental nightmare -- literally worst case in the worst place. A location less acceptable would be virtually impossible to find. Preferable alternatives are plainly available, and required by law.

Every relevant state and federal regulatory agency responsible for reviewing the Islander East proposal – the Connecticut Department of Environmental Protection (DEP), the federal EPA, the National Marine Fisheries Service, and even the Federal Energy Regulatory Commission's (FERC) staff – has found this project will cause pervasive, severe, irrevocable harm to the marine environment in this uniquely valuable part of the Sound.

The pipeline construction will forever alter the sea bottom so critical for biological diversity and health. Islander East proposes to spew vast quantities of suspended sediments around the Sound, while directly disrupting more than 3,700 acres of seabed. In addition to the destruction of the seabed for the huge trench it must dig, Islander East will create large anchor pits and depressions associated with barge moorings. The effects will include:

- hypoxia, or inadequate oxygen for sea life;
- anoxic pits, or uninhabitable dead zones that will act as traps incapable of supporting seabed organisms;
- unstable sediments through which juvenile mollusks will sink and suffocate; and
- near bottom turbidity that will interfere with the breeding of many marine animals.

The widespread economic effects will include a serious threat to our state's shell fishing. Connecticut is first on the east coast in production of hard clams, and our oysters have the highest money value in the United States, thanks to the unique characteristics of the Sound. The project will destroy or irreparably damage many acres of prime shellfish grounds.

As you know, the regulatory process governing this project is complex. The Connecticut DEP has already tentatively and correctly denied the state component of the required water discharge permit -- the so called "401" certification. The DEP has also properly objected to Islander East's project under the Coastal Zone Management Act. Islander East now challenges DEP's determination of July 29, 2003, that its proposal is neither consistent with nor approvable under the Coastal Zone Management Act, and you are here today to receive comments on that challenge.

The DEP, after careful consideration of a clear factual record, which is now fully available to NOAA for review, concluded that:

The activities as proposed by Islander East in the proposed location would cause significant adverse impacts to coastal resources and water-dependent uses and would, therefore, be inconsistent with the enforceable policies of the State's federally-approved [Coastal Zone Management Plan].

For all of these reasons, and more in the record, DEP's determination rejecting this horrendous project was unassailably accurate and correct. Long Island Sound is a precious, extraordinary treasure that must be preserved for future generations. The Department of Commerce must review the plain facts, follow the law, and deny Islander East's meritless challenge to DEP's determination that this project is unacceptable and unlawful.

Statement of Anthony J. DaRos  
First Selectman, Town of Branford, CT  
NOAA Public Hearing; 5 Nov 03  
Re: Islander East  
[FERC Docket No. CP01-384-000, et al]

GOOD MORNING MR BLUM.

WE ARE PLEASED TO BE HERE TO PROVIDE OUR VIEWS TO NOAA AND TO SECRETARY EVANS. WE APPRECIATE YOUR EFFORTS TODAY.

WE ARE HERE TO URGE YOU IN THE STRONGEST POSSIBLE TERMS TO DENY ISLANDER EAST. AS I UNDERSTAND IT, THERE ARE SPECIFIC CRITERIA THAT ISLANDER EAST MUST MEET IN ORDER FOR YOU TO OVERRIDE THE STATE DENIAL.

- THE PROJECT MUST ADVANCE THE NATION'S INTEREST;
- THAT INTEREST MUST OUTWEIGH THE PROJECT'S ADVERSE IMPACT ON THE COAST; AND
- THERE'S NO REASONABLE ALTERNATIVE.

I ALSO UNDERSTAND THAT IF THIS PROJECT WERE IN THE INTEREST OF NATIONAL SECURITY, IT WOULD BE APPROVED. CORRECT ME IF I'M MISTAKEN, BUT THE DEPARTMENT OF DEFENSE HAS DETERMINED IT IS NOT.



YOU WILL RECEIVE AMPLE EVIDENCE THAT THIS PROJECT IS NOT IN THE NATION'S INTEREST. IT WILL CAUSE IRREPARABLE DESTRUCTION TO THE SOUND, ITS SHORELINE AND ITS MARINE LIFE, OUTWEIGHING ANY CONCEIVABLE INTEREST AND MAKING ANY INTEREST INSIGNIFICANT. LONG ISLAND SOUND IS A UNIQUE ESTUARY AND MUST BE TREATED LIKE THE ENVIRONMENTAL TREASURE IT IS. ANY APPROVAL FOR THE CONSTRUCTION, OPERATION AND FUTURE REPAIR OF THIS PROPOSED PIPELINE – WHICH I REMIND YOU IS A NON-WATER BASED USE - WILL PERMANENTLY AND IRREVOCABLY DAMAGE IT. FINALLY, THERE ARE ALTERNATIVES. ISLANDER EAST HAS BEEN TOLD THIS REPEATEDLY BY FERC AND OTHERS.

THE STATE'S DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS DENIED THE REQUIRED CZMP CONSISTENCY CERTIFICATION NOT JUST ONCE, BUT TWICE. THEY REACHED THE SAME CONCLUSIONS THAT THE TOWN'S BLUE RIBBON COMMITTEE REACHED IN NOVEMBER OF 2001 THAT THE APPLICATION IS INCOMPLETE AND INSUFFICIENT.

FROM THE BEGINNING DUKE HAS BEEN UNABLE - OR UNWILLING – TO ANSWER EVEN BASIC QUESTIONS, SUCH AS WHAT THEY PLAN TO DO IF THE UNDERWATER DRILLING – “HDD” – DIDN'T WORK. THEY STILL HAVEN'T DEvised A FEASIBLE BACK UP PLAN.

TWO MONTHS AGO TODAY MORE THAN 400 HUNDRED OPPONENTS FROM AROUND THE STATE STOOD BEFORE THE ARMY CORPS OF ENGINEERS AND SUBMITTED THEIR DATA. THEY INCLUDED CONGRESSIONAL, STATE, AND LOCAL OFFICIALS. ALSO THERE WAS DEP COMMMISSIONER ART ROCQUE, ASSISTANT ATTORNEY GENERAL ROBERT SNOOK, WESLEYAN UNIVERSITY PROFESSOR JOHAN VAREKAMP, AND YALE PROFESSOR CARMELA CUOMO. I WILL LEAVE WITH YOU THE TRANSCRIPT FROM THAT HEARING SO YOU CAN INCLUDE THEIR TESTIMONY IN TODAY'S RECORD. I ASK THAT YOU CAREFULLY REVIEW IT.

NO TOWN, CITY OR EVEN STATE HAS THE FINANCIAL RESOURCES THAT DUKE AND KEYSpan HAVE. THEY HAVE SPENT MORE THAN \$25 MILLION ON LOBBYISTS AND PR CAMPAIGNS. WE HAVE VOLUNTEERS. BUT WE'RE REALISTIC AND WE ACCEPT THE SAD REALITY THAT THE PLAYING FIELD IS NOT LEVEL. THAT'S WHERE OFFICES LIKE YOURS COME INTO PLAY.

AS IT'S BEEN FROM THE BEGINNING, THE ISSUE IS WHO ACTS FOR THE PUBLIC TRUST. CERTAINLY NOT DUKE OR KEYSpan. THEY'VE REFUSED TO CONSIDER ANY ALTERNATE ROUTES, EVEN THOUGH THEY'RE LESS ENVIRONMENTALLY DAMAGING. THEY PREFER TO FABRICATE NEED AND EXAGERRATE THE FOREIGN GAS RESERVES THEY HOPE TO USE.

IN EACH OF THE PREVIOUS PUBLIC HEARINGS, DOZENS OF CITIZENS MADE PUBLIC STATEMENTS, AS THEY WILL TODAY. IT'S A RARE VOICE THAT SUPPORTS ISLANDER EAST. TODAY MAY BE DIFFERENT. YOU MAY HEAR SOME SAY THAT THIS IS GOOD FOR CONNECTICUT AND THE REGION. KEEP IN MIND THAT IS NOT SUPPORTED BY ANY FACT OR ANALYSIS – IT'S THE \$25 MILLION TALKING.

AGAIN, THANK YOU FOR COMING TO CONNECTICUT. WE ALL APPRECIATE YOUR EFFORTS.